

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON vs. FRED MEYER STORES INCORPORATED
BEFORE THE HONORABLE RALPH R. BEISTLINE CASE NO. 1:04-CV-00008-RRB

DEPUTY CLERK/RECORDER: SAMANTHA LARK

APPEARANCES: PLAINTIFF: MARK C. CHOATE

DEFENDANT: JAMES R. DICKENS
PETER E. GRUENSTEIN

PROCEEDINGS: TRIAL BY JURY DAY - 3 HELD AUGUST 13, 2008:

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At 8:32 a.m. court convened without jury panel present.

Johanna Harvard sworn and testified on behalf of the plaintiff.
Defendant's exhibit N **ADMITTED**.

Plaintiff rested.

At 9:22 a.m. jury panel exited the courtroom.

Court and counsel heard re defendant's motion.

At 9:23 a.m court recessed until 9:30 a.m. without jury panel present.

Court and counsel heard re defendant's Oral Motion to Dismiss Case.

Arguments heard.

Court and counsel heard re defendant's Oral Motion to Dismiss Case; **DENIED**.

At 9:44 a.m. court recessed until 9:56 a.m. without jury panel present.

Court and counsel heard re parties prepared to proceed.

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At 9:57 jury panel entered the courtroom.

Jaime San Miguel sworn and testified on behalf of the defendant.

At 10:43 a.m. jury panel exited the courtroom.

Court and counsel heard re any issues.

At 10:44 a.m. court recessed until 10:58 p.m. without jury panel present.

Court and counsel heard re parties prepare to proceed.

At 10:59 a.m. jury panel entered the courtroom.

Jaime San Miguel resumed the stand and testified further on behalf of the defendant.

At 11:52 a.m. jury panel exited the courtroom.

Court and counsel heard re hearsay issues.

At 11:55 a.m. court recessed until 1:02 p.m. without the jury panel present.

Court and counsel heard re parties prepared to proceed.

Jaime San Miguel resumed the stand and testified further on behalf of the defendant. Defendant's exhibit C **ADMITTED**.

At 1:50 p.m. court recessed until 2:03 p.m. without jury panel present.

Court and counsel heard re defendant's direct examination.

At 2:04 p.m. jury panel entered the courtroom.

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Jaime San Miguel resumed the stand and testified further on behalf of the defendant.

At 3:05 p.m. jury panel exited the courtroom.

Court and counsel heard re plaintiff's Oral Motion that the Mr. Dickens and Mr. Gruenstein not speak to witness re cross examination questions during breaks; **GRANTED.**

At 3:06 court recessed until 3:17 p.m. with the jury panel present.

Jaime San Miguel resumed the stand and testified further on behalf of the defendant.

Julita Lim sworn and testified on behalf of the defendant.

At 3:50 p.m. jury panel exited the courtroom to reconvene Thursday, August 14, 2008 at 8:30 a.m.

Court and counsel heard re witness video deposition, rebuttal witnesses and court calendar.

At 3:55 p.m. court recessed this matter to reconvene **Thursday August 14, 2008 at 8:30 a.m.**

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